

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In re)	
)	
MARITIME COMMUNICATIONS/LAND	)	EB Docket No. 11-71
MOBILE, LLC	)	File No. EB-09-IH-1751
	)	FRN: 0013587779
Participant in Auction No. 61 and Licensee of)	
Various Authorizations in the Wireless Radio)	
Services)	
)	
Applicant for Modification of Various	)	Application File Nos. 0004030479,
Authorizations in the Wireless Radio Services	)	0004144435, 0004193028, 0004193328,
	)	0004354053, 0004309872, 0004310060,
Applicant with ENCANA OIL AND GAS (USA),	)	0004314903, 0004315013, 0004430505,
INC.; DUQUESNE LIGHT COMPANY; DCP	)	0004417199, 0004419431, 0004422320,
MIDSTREAM, LP; JACKSON COUNTY	)	0004422329, 0004507921, 0004153701,
RURAL MEMBERSHIP ELECTRIC	)	0004526264, 0004636537,
COOPERATIVE; PUGET SOUND ENERGY,	)	and 0004604962
INC.; ENBRIDGE ENERGY COMPANY,)	
INC.; INTERSTATE POWER AND LIGHT)	
COMPANY; WISCONSIN POWER AND)	
LIGHT COMPANY; DIXIE ELECTRIC)	
MEMBERSHIP CORPORATION, INC.;)	
ATLAS PIPELINE – MID CONTINENT, LLC;)	
DENTON COUNTY ELECTRIC)	
COOPERATIVE, INC., DBA COSERV)	
ELECTRIC; AND SOUTHERN CALIFORNIA)	
REGIONAL RAIL AUTHORITY)	
 To: Marlene H. Dortch, Secretary		
Attention: Chief Administrative Law Judge Richard L. Sippel		

JOINT PROPOSED PREHEARING PROCEDURAL SCHEDULE

1. On July 15, 2014, the Presiding Judge issued *Order*, FCC 14M-22, in which he, among other things, ordered the parties to “propose a calendar of prehearing procedural

deadlines and estimate the length of the hearing on or before July 30, 2014.”¹ On July 29, 2014, the Presiding Judge extended the deadline to submit this schedule until August 6, 2014.² The Enforcement Bureau (Bureau) and Maritime Communications/Land Mobile, LLC (Maritime) reached out to Mr. Havens and counsel for Environmental LLC (Environmental), and Verde Systems LLC (Verde Systems) to discuss a prehearing schedule.³ The parties could not reach agreement on a joint filing. Thus, Environmental, Verde Systems and Mr. Havens will be filing their own proposal.

2. The Bureau and Maritime propose the schedule set forth below. This schedule takes into consideration the Presiding Judge’s interest in moving this case forward and many of the concerns that the Bureau and Maritime raised in their recent request for a prehearing conference. The Bureau and Maritime modeled the timing for this proposed schedule on *Order*, FCC 13M-19.⁴ The Bureau and Maritime estimate that the hearing could be completed within three days.

3. Proposed Procedural Schedule

August 14, 2014	Discovery Period Closes
September 16, 2014	Direct case document exhibits, deposition designations and written direct testimony to be exchanged

¹ See *Order*, FCC 14M-22 (ALJ, rel. Jul. 15, 2014) at 3.

² See *Order*, FCC 14M-24 (ALJ, rel. Jul. 29, 2014) at 3.

³ On July 15, 2014, the Presiding Judge ordered that counsel who would be representing Mr. Havens at trial file a notice of appearance by July 30, 2014. See *Order*, FCC 14M-22, (ALJ, rel. July 15, 2014). On July 29, 2014, James A. Stenger, Esq. entered a notice of appearance on behalf of two of the six Havens entities, namely, Environmental, LLC and Verde Systems, LLC. To date, no attorney has filed a notice of appearance on behalf of Mr. Havens or the other four Havens entities.

⁴ See *Order*, FCC 13M-19 (ALJ, rel. Oct. 25, 2013).

September 30, 2014	Witness Notification for Cross Examination – exchange of witness lists
October 14, 2014	Objections to Witnesses for Cross Examination – exchange of witness lists
October 28, 2014	Objections filed to Direct Case Exhibits and/or testimony
October 31, 2014	Response filed to Objections to Direct Case Exhibits/ and or testimony
November 4, 2014	Evidence Admission Session – Presiding Judge to Rule on any unresolved Exhibit Objections
November 25, 2014	Trial Briefs of EB, Maritime, Havens to be exchanged
December 9, 2014	Hearing Commences

4. In *Order*, FCC 14M-24, the Presiding Judge also requested that the litigating parties delineate other matters that need to be considered, either at a prehearing conference or without a prehearing conference.⁵ One such matter has arisen. The Bureau and Maritime are concerned that Mr. Havens’ apparent decision to represent himself while also having counsel represent his corporate interests (on behalf of two of his six companies)⁶ threatens to further disrupt and delay these proceedings.

5. Recognizing that “an individual cannot represent himself or herself in an individual capacity while simultaneously represented by an attorney in a corporate capacity if the

⁵ See *Order*, FCC 14M-24, at 3.

⁶ See, *supra*, note 3.

interests of the individual and the corporation are the same,”⁷ the Presiding Judge previously ordered Mr. Havens to demonstrate “how his interests as an individually named party in this proceeding differ from the interests of those corporate parties with which he has a relationship.”⁸ Mr. Havens failed to do so. Indeed, it is difficult to understand how there could be any such separate interests because the standing of both Mr. Havens and his entities is grounded in their “capacity as a petitioner to [deny] one or more of the captioned applications” in this proceeding.⁹

6. Concerned that “past participations by Mr. Havens individually, with [his corporate] entities represented by counsel, have caused confusion and delay”¹⁰ and would likely lead to “duplicative pleadings, ... duplicative evidentiary and trial brief submissions,”¹¹ the Presiding Judge previously ordered Mr. Havens to either share counsel with his corporate entities or provide his reasons for proceeding *pro se*.¹² The Presiding Judge also ruled that Mr. Havens and counsel for the Havens corporate entities comply with a number of directives aimed at reducing the possibility of redundant filings.¹³ To date, Mr. Havens has not provided any explanation for proceeding *pro se*. Even should Mr. Havens provide good reason to proceed *pro se*, the Bureau and Maritime respectfully request that the Presiding Judge direct Mr. Havens and counsel for any of the Havens corporate entities not only to comply with the directives set forth in *Order*, FCC 12M-52, but also to submit joint prehearing submissions including, but not limited to, direct case exhibits, written direct testimony, trial briefs, etc. to reduce the burden on

⁷ *Memorandum Opinion and Order*, FCC 12M-44 (ALJ, rel. Sep. 25, 2012) at 5, ¶ 15.

⁸ *Id.* at 5, ¶ 18.

⁹ Order to Show Cause, Hearing Designation Order, and Notice of Opportunity for Hearing, 26 FCC Rcd 6520, 6549, ¶ 72 (2011).

¹⁰ *Order*, FCC 12M-52 (ALJ, rel. Nov. 15, 2012) at 4.

¹¹ *Id.* at 3.

¹² *See id.* at 4.

¹³ *See id.*

the parties and the Presiding Judge and his staff.

7. Maritime, by its counsel, represents that it has read this Joint Proposed Prehearing Procedural Schedule and has authorized the undersigned to file it on its behalf.

Travis LeBlanc
Acting Chief, Enforcement Bureau



Pamela S. Kane
Deputy Chief
Investigations and Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street SW, Room 4-C330
Washington, D.C. 20554
(202) 418-1420

August 6, 2014

CERTIFICATE OF SERVICE

Alicia McCannon, an Enforcement Analyst in the Enforcement Bureau's Investigations and Hearings Division, certifies that she has on this 6th day of August, 2014, sent by first class United States mail copies of the foregoing "JOINT PROPOSED PREHEARING PROCEDURAL SCHEDULE" to:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554 (by hand, courtesy copy)

Sandra DePriest
Maritime Communications/Land Mobile LLC
206 North 8th Street
Columbus, MS 39701

Dennis C. Brown
8124 Cooke Court
Suite 201
Manassas, VA 20109
Counsel for Maritime Communications/Land Mobile LLC

Jeffrey L. Sheldon
Levine, Blaszak, Block & Boothby, LLP
2001 L Street, NW, Suite 900
Washington, DC 20036
Counsel for Puget Sound Energy, Inc

Jack Richards
Wesley Wright
Keller & Heckman LLP
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
Counsel for Atlas Pipeline – Mid Continent LLC; Enbridge Energy Co., Inc.; EnCana Oil and Gas (USA), Inc.; and Jackson County Rural Membership Electric Cooperative

Charles A. Zdebski
Gerit F. Hull
Eckert Seamans Cherin & Mellott, LLC
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20006
Counsel for Duquesne Light Co.

Paul J. Feldman
Harry F. Cole
Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th Street – 11th Floor
Arlington, VA 22209
Counsel for Southern California Regional Rail Authority

Matthew J. Plache, Esq.
Law Office of Matthew J. Plache
5425 Wisconsin Avenue
Suite 600, PMB 643
Chevy Chase, MD 20815
Counsel for Pinnacle Wireless Corp.

Albert J. Catalano
Keller & Heckman LLP
1001 G Street, N.W.
Suite 500 West
Washington, D.C. 20001
Counsel for Dixie Electric Membership Corp.

Robert J. Keller
Law Offices of Robert J. Keller, P.C.
P.O. Box 33428
Washington, D.C. 20033
Counsel for Maritime Communications/Land Mobile LLC

Robert G. Kirk
Wilkinson Barker Knauer, LLP
2300 N Street, NW Suite 700
Washington, DC 20037
Counsel for Choctaw Telecommunications, LLC and Choctaw Holdings, LLC

Warren Havens
2509 Stuart Street
Berkeley, CA 94705

James Stenger
Chadbourne & Parke, LLP
1200 New Hampshire Avenue, NW
Washington, D.C. 20036
Counsel for Environmental LLC and Verde Systems LLC


Alicia McCannon